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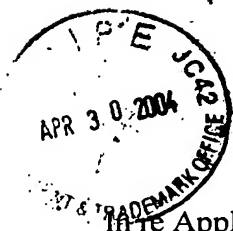
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\$DAC

PATENT

Attorney Docket No. 224384

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kasid et al.

Group Art Unit: 1645

Application No. 10/680,313

Examiner: Unassigned

Filed: October 6, 2003

For: GENE SHINC-1 AND DIAGNOSTIC AND
THERAPEUTIC USES THEREOF

**PETITION UNDER 37 CFR 1.10
TO REQUEST A CHANGE TO THE FILING DATE**

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This application was filed on October 6, 2003, having been mailed under 37 CFR 1.10 using Express Mail Post Office to Addressee, under Express Mail Label No. EV 336875812 US. However, the filing receipt reflects a filing date of Oct. 3, 2003. Accordingly, to ensure the record is accurate, the undersigned Petitions, under 37 CFR 1.10, for the application filing date to be changed to October 6, 2003.

A copy of the Utility Application Transmittal, including a Certificate of Mailing Under 37 CFR 1.10 stating that the application was filed under 37 CFR 1.10 is enclosed. The Utility Patent Application Transmittal notes that the Express Mail Label No. was EV 336875812 US. Also, enclosed is a copy of Express Mail Customer Receipt for Express Mail Label No. EV 336875812 US indicating 10/06/03 as the "date in" date.

The Commissioner of Patents and Trademarks is hereby authorized to charge the \$130.00 fee that is required to Deposit Account No. 12-1216. No additional fees are believed to be due in connection with this request. However, the Commissioner is hereby authorized to charge any fee that may be due to Deposit Account 12-1216. A duplicate copy of this communication is enclosed for that purpose.

Respectfully submitted,

05/05/2004 AWONDAF1 00000091 121216 10680313

01 FC:1460 130.00 DA

By

M. Daniel Hefner, Reg./No. 41,826
One of the Attorneys for Applicants
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson
Chicago, Illinois 60601-6780
(312) 616-5600

Dated April 30, 2004

In re Appln. of Kasid et al.
Serial No. 10/680,313

APR 30 2004

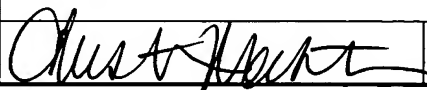
CERTIFICATE OF MAILING UNDER 37 CFR 1.10

I hereby certify that this Petition under 37 CFR 1.10 and all accompanying documents are
deposited with the United States Postal Service on April 30, 2004, in an envelope as
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10, Mailing
Label Number EV 335720071 US, addressed to: Mail Stop DAC, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450.

Name
(Print/Type)

Christina Masters

Signature



Date

April 30, 2004

224384

Christina M. /cc: MDH



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/680,313	10/03/2003	1645	1221	224384	7	34	18

000023460
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 TWO PRUDENTIAL PLAZA, SUITE 4900
 180 NORTH STETSON AVENUE
 CHICAGO, IL 60601-6780



CONFIRMATION NO. 5935
 UPDATED FILING RECEIPT



OC000000012430226

Date Mailed: 04/23/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Usha Kasid, Rockville, MD;
 Isamu Sakabe, Washington, DC;
 Simeng Suy, Richmond, VA;
 Deepak Kumar, Arlington, VA;
 Imran Ahmad, Wadsworth, IL;

LEYDIG, VOIT & MAYER
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APR 27 2004

PAT/TM Due Date

Noted

Assignment For Published Patent Application

Georgetown University, Washington, DC;
 NeoPharm, Inc., Lake Forest, IL;

Domestic Priority data as claimed by applicant

This application is a CON of PCT/US02/10849 04/08/2002
 which claims benefit of 60/281,779 04/06/2001

Foreign Applications

If Required, Foreign Filing License Granted: 01/22/2004

Projected Publication Date: 07/29/2004

Non-Publication Request: No

Early Publication Request: No

ARH

LAH

**** SMALL ENTITY ****

Title

Gene SHINC-1 and diagnostic and therapeutic uses thereof

Preliminary Class

435

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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UNITED STATES PATENT AND TRADEMARK OFFICE

224384
Christina M. /cc: MDH
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Georgetown University, Washington, DC;
NeoPharm, Inc., Lake Forest, IL;

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Non-Publication Request: No

Early Publication Request: No

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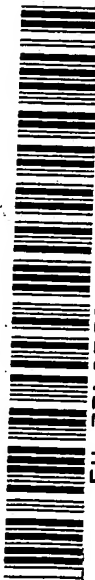
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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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UTILITY PATENT APPLICATION TRANSMITTAL

Only for new nonprovisional applications under 37 CFR 1.53(b)

Attorney Docket No.		224384
Client Reference No.		
First Inventor	Kasid et al.	
Title	GENE SHINC-1 AND DIAGNOSTIC AND THERAPEUTIC USES THEREOF	
Express Mail Label No.		EV 336875812 US

APPLICATION ELEMENTS

1. ☒ Utility Patent Application Transmittal Form
2. ☒ Applicant claims small entity status. See 37 CFR 1.27.
3. ☒ Specification (including claims and abstract) [Total Pages 48]
4. ☒ Drawings [Total Sheets 7]
5. ☐ Combined Declaration and Power of Attorney [Total Pages]
 - a. ☐ Newly executed
 - b. ☐ Copy from prior application [Note Box 6 below]
 - i. ☐ Deletion of Inventor(s) Signed statement attached deleting inventor(s) named in the prior application
6. ☐ Incorporation by Reference: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference.
7. ☒ Application Data Sheet. See 37 CFR 1.76
8. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
9. Nucleotide and/or Amino Acid Sequence Submission
 - a. ☒ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ Paper Copy
 - c. ☒ Statement verifying identity of above copies

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ACCOMPANYING APPLICATION PARTS

10. ☐ Applicant requests early publication. (include publication fee under 37 CFR 1.18(d))
11. ☐ Assignment Papers (cover sheet and document(s))
12. ☐ 37 CFR 3.73(b) Statement (when there is an Assignee)
13. ☐ Power of Attorney
14. ☐ English Translation Document (if applicable)
15. ☐ Information Disclosure Statement (IDS)
 - ☐ Form PTO-1449
 - ☐ Copies of Listed Documents
16. ☒ Preliminary Amendment
17. ☒ Return Receipt Postcard (Should be specifically itemized)
18. ☐ Claim of Priority & Certified Copy of Priority Document(s)
19. ☐ Request & Certification Under 35 USC 122(b)(2)(B)(i) (Form PTO/SB/35 or its equivalent must be submitted with this application to prevent publication at 18 months)
20. ☐

21. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below:

☒ Continuation ☐ Divisional ☐ Continuation-in-part of prior application no. PCT/US02/10849, filed April 8, 2002.

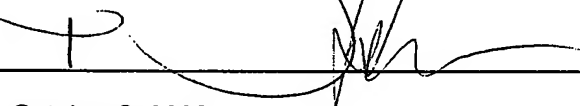
Prior application information: Examiner N/A; Group Art Unit: N/A

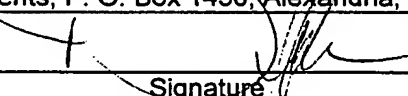
APPLICATION FEES

BASIC FEE				\$ 770.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	34 -20=	14	x \$18.00	\$ 252.00
Independent Claims	18 - 3=	15	x \$86.00	\$ 1,290.00
<input type="checkbox"/> Multiple Dependent Claim if applicable			+\$290.00	\$ 0.00
Total of above calculations =				\$ 2,312.00
Reduction by 50% for filing by small entity =				\$(1,156.00)
<input type="checkbox"/> Assignment fee if applicable			+ \$40.00	\$ 0.00
<input type="checkbox"/> Early publication fee if applicable			+ \$300.00	\$ 0.00
TOTAL =				\$ 1,156.00

UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 224384
Client Reference No.

22. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 12-1216 in the amount of \$ 1,156.00	
23. <input type="checkbox"/> A check in the amount of \$ is enclosed.	
24. The Commissioner is hereby authorized to credit overpayments or charge any additional fees of the following types to Deposit Account No. 12-1216: a. <input checked="" type="checkbox"/> Fees required under 37 CFR 1.16. b. <input checked="" type="checkbox"/> Fees required under 37 CFR 1.17.	
25. <input checked="" type="checkbox"/> The Commissioner is hereby generally authorized under 37 CFR 1.136(a)(3) to treat any future reply in this or any related application filed pursuant to 37 CFR 1.53 requiring an extension of time as incorporating a request therefor, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 12-1216 for any fee that may be due in connection with such a request for an extension of time.	
26. CORRESPONDENCE ADDRESS	
<input checked="" type="checkbox"/> Customer Number: 23460 23460	<input type="checkbox"/> , Reg. No. Leydig, Voit & Mayer, Ltd. Two Prudential Plaza, Suite 4900 180 North Stetson Avenue Chicago, Illinois 60601-6780 (312) 616-5600 (telephone) (312) 616-5700 (facsimile)
Name	M. Daniel Hefner, Registration No. 41,826
Signature	
Date	October 6, 2003

Certificate of Mailing Under 37 CFR 1.10		
I hereby certify that this Utility Patent Application Transmittal and all accompanying documents are being deposited with the United States Postal Service "Express Mail Post Office To Addressee" Service under 37 CFR 1.10 on the date indicated below and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.		
M. Daniel Hefner		October 6, 2003
Name of Person Signing	Signature	Date

Utility Transmittal (Revised 10/1/03)